

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 3:05cr75 (1)

CHUCKIE LEE,

JUDGE WALTER HERBERT RICE

Defendant.

ENTRY ORDERING BUREAU OF PRISONS TO CREDIT DEFENDANT
WITH TIME SPENT IN MONTGOMERY COUNTY JAIL FROM
SEPTEMBER 12, 2011 THROUGH NOVEMBER 11, 2011, ON THE 220
DAY SENTENCE NOW BEING SERVED, HAVING BEEN IMPOSED ON
JULY 30, 2012; DIRECTIVE TO BUREAU OF PRISONS

In order to comply with this Court's intentions expressed at the sentencing hearing in the captioned cause, upon the record and in open Court, on July 30, 2012, this Court orders the Bureau of Prisons to give the Defendant credit, against the 220 day sentence now being served, for the 61 days in which he was incarcerated in the Montgomery County Jail from September 12, 2011, through November 11, 2011, as well as for any and all additional presentence jail time from his arrest on the supervised release violation adjudicated herein, May 24, 2011, through the date of sentence imposed on July 30, 2012.

The Court is attaching hereto a copy of the sentencing entry, filed August 3, 2012, as well as a September 5, 2012, memorandum to the undersigned

from Laura A. Sebulsky, United States Probation Officer, setting forth conversations held with Michael Furman, Operations Manager with the Federal Bureau of Prisons' Designation/Sentence Computation Center in Grand Prairie, Texas.

The Court requests/directs/orders the Bureau of Prisons to notify the undersigned when such credit is granted.



September 11, 2012

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Laura Clemmens, AUSA
Vincent Popp, Esq.
United States Marshal
Laura Sebulsky, U.S. Probation Officer
John Menke, U.S. Probation Officer
Michael Furman, Operations Manager, Federal Bureau of Prisons, DSCC,
346 Marine Forces Drive, Grand Prairie, TX 75051
Michael Ward, Montgomery County Office of Ex-Offender Reentry,
1133 S. Edwin C. Moses Blvd., Room 104, Dayton, Ohio 45408

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

:
Plaintiff,

:
vs.

Case No. 3:05cr75 (1)

:
CHUCKIE LEE,

JUDGE WALTER HERBERT RICE

:
Defendant.

DECISION AND ENTRY FINDING DEFENDANT IN VIOLATION OF HIS
RE-IMPOSED PERIOD OF SUPERVISED RELEASE, REVOKING SAME
AND IMPOSING SENTENCE, WITH FURTHER RE-IMPOSED PERIOD OF
SUPERVISED RELEASE TO FOLLOW, UPON CERTAIN STATED
CONDITIONS; RIGHT OF APPEAL EXPLAINED AND UNDERSTOOD;
TERMINATION ENTRY

On July 30, 2012, the Defendant, having previously been found in violation
of his re-imposed period of supervised release which began in December, 2012,
appeared in open Court for final disposition.

Pursuant to the record made at that time, the Defendant's re-imposed period
of supervised release was revoked and he was remanded to the custody of the
Attorney General of the United States, the Bureau of Prisons for a period of 220
days, with a re-imposed period of supervised release of three years, minus 71
days, minus the 220 days imposed herein, subject to the following conditions:

1. He is to fulfill all of the previously undischarged conditions of probation.
2. He is to report within the first working day following his release from the sentence imposed herein, to Mr. Michael Ward at the Office of Ex-Offender Reentry where he is to actively participate in his work with the ACTS Program, a four day program from Monday through Thursday.
3. On the fifth day, a Friday, the Defendant will spend discharging his community service obligations to which the Court would add an additional 100 hours of community service, on a schedule and with an agency to be determined by and between the Defendant and the Probation Department.
4. He is to spend the first 60 days of the re-imposed period of supervised release on electronically monitored home confinement or GPS location monitoring, with release purposes only to attend sessions with Mr. Michael Ward and to attend to his community service obligations.
5. He is to work with Mr. Michael Ward until he completes the ACTS Program and the additional period of supervised release.

While the Defendant is serving his 220 day term of imprisonment, with certain credit recommended to the Bureau of Prisons, he is to begin working on

certain aspects of the ACTS Program that can be addressed, fulfilled and completed while he is in custody. Finally, while in the Montgomery County Jail, serving the sentence imposed herein, he is to receive individual therapy on a weekly basis to focus on his post traumatic stress disorder and any chemical dependency issues as well.

At some time in the future, should Mr. Lee be in full compliance of all of the aforesaid conditions of his re-imposed period of supervised release, the Court will consider allowing him to locate to the State of Texas.

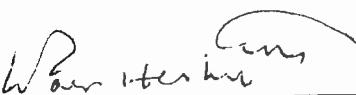
This Court recommends to the Bureau of Prisons that Defendant be given credit, against the above-referenced 220 day sentence, for the 61 days in which he was incarcerated from September 12, 2011, through November 11, 2011, and any and all additional presentence jail time from his arrest on the supervised release violation adjudicated herein from May 24, 2011, through the date of sentence imposed on July 30, 2012.

This Court further recommends to the Bureau of Prisons that he be allowed to serve the remaining portion of his 220 day sentence, following the above recommended presentence jail time credit, in the Montgomery County Jail, given that the conditions and requirements imposed herein, insofar as his working with Mr. Michael Ward while incarcerated on the sentence imposed herein, would be impossible to fulfill if he were located elsewhere.

Following the above, the Defendant was orally explained his right of appeal, and he indicated an understanding of same.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

August 3, 2012


WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Laura Clemmens, AUSA
Vincent Popp, Esq.
United States Marshal
Laura Sebulsky, U.S. Probation Officer
John Menke, U.S. Probation Officer
Michael Ward, Montgomery County Office of Ex-Offender Reentry,
1133 S. Edwin C. Moses Blvd., Room 104, Dayton, Ohio 45408



MEMORANDUM

To: The Honorable Walter Herbert Rice
U. S. District Judge

From: Laura A. Sebulsky
U.S. Probation Officer

Re: LEE, Chuckie
Docket No. 3:05CR075

Date: September 5, 2012

Reference is made to the meeting held in Your Honor's chambers on August 30, 2012.

On August 30, 2012, this officer spoke with Michael Furman, Operations Manager with the Federal Bureau of Prisons' Designation/Sentence Computation Center in Grand Prairie, Texas. Mr. Furman advised this officer Chuckie Lee would not receive credit toward his July 30, 2012 revocation, for the 61 days served as a condition of his supervised release from September 12, 2011 through November 11, 2011. Mr. Furman stated in accordance with Program Statement 5880.25, Sentence Computation Manual-CCA, prior custody credit for a supervised release violator can occur only on or after the date of the offense that led to revocation of supervised release. Any time spent in custody that pre-dates current supervised release violations, does not qualify as creditable custody time toward the supervised release violation prison term the Court may impose.

Mr. Furman stated if the Court wants Mr. Lee to receive credit for the aforementioned 61 days, the Court needs to order the Bureau of Prisons' to credit the days, as opposed to recommend the days be credited.

If there are any questions or the Court needs additional information, this officer may be contacted at 512-1473.

Respectfully Submitted,

A handwritten signature in black ink that reads "Laura A. Sebulsky".

Laura A. Sebulsky
U. S. Probation Officer

Reviewed and Approved,

A handwritten signature in black ink that reads "John J. Menke".

John J. Menke
Supervising U. S. Probation Officer

LAS